

Exhibit B

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

ABANTE ROOTER AND PLUMBING, INC, a Case No: 3:19-cv-05711
California corporation, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

**DEFENDANT'S OBJECTIONS AND
RESPONSES TO PLAINTIFF'S FIRST
SET OF INTERROGATORIES**

Date Action Filed: September 11, 2019

TOTAL MERCHANT SERVICES, LLC., a
Delaware limited liability company,

Defendant.

Defendant, TOTAL MERCHANT SERVICES, LLC ("Defendant" or "TMS"), by and
through undersigned counsel, hereby files its responses and objections to the First Set of
Interrogatories dated December 23, 2019, and served by Plaintiff, ABANTE ROOTER AND
PLUMBING, INC. ("Plaintiff"), and states as follows:

PRELIMINARY STATEMENT

The following responses to the Interrogatories (the "Responses") are made solely for the
purpose of this action. TMS has not completed its investigation of the facts relating to this case,

cellphone numbers such that TMS could even attempt to determine if Plaintiff was even contacted on such unredacted numbers in the first place. TMS further objects to this Interrogatory to the extent it calls for a legal conclusion and speculation. TMS further objects to the respective definitions of the terms “Describe,” “Dialing Equipment,” and “You” as set forth in General Objections B, C & D, *supra*. TMS further objects to the term “Your” as vague and ambiguous, particularly where, as here, the capitalized term is not defined by the Interrogatories.

INTERROGATORY NO. 4: State the complete factual basis for Your contention, if any, that the Dialing Equipment You used (or a third-party used on Your behalf or for Your benefit) to place the calls to Plaintiff at issue in the Complaint did not have the capacity to store or generate phone numbers and to dial them.

ANSWER: TMS objects to this Interrogatory as a premature contention interrogatory filed before any, let alone substantial, discovery has taken place. TMS further objects to this Interrogatory as argumentative to the extent the Interrogatory purports to assume certain facts or otherwise poses mere allegations as fact. TMS further objects to this Interrogatory as vague and ambiguous in light of the multiple redacted cellphone numbers alleged in the Complaint, which impermissibly forces TMS to speculate as to Plaintiff’s unredacted cellphone numbers such that TMS could even attempt to determine if Plaintiff was even contacted on such unredacted numbers in the first place. TMS further objects to this Interrogatory and its inclusion of “complete factual basis” as overly broad and unduly burdensome on its face. TMS further objects to this Interrogatory to the extent it calls for a legal conclusion and speculation. TMS further objects to the respective definitions of the terms “Dialing Equipment” and “You” as set forth in General Objections C & D, *supra*. TMS further objects to the term “Your” as vague and ambiguous, particularly where, as here, the capitalized term is not defined by the Interrogatories.